

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.491 of 2022

Arising Out of PS. Case No.-432 Year-2021 Thana- BIDUPUR District- Vaishali

1. VIVEK KUMAR @ GOLDEN, Son of Sanjay Paswan, Resident of Village- Dilawarpur Gobardhan, P.S.- Bidupur, District- Vaishali at Hajipur.
2. Tuffani Paswan, S/o Sogarath Paswan, Resident of Majhauri Dih, P.S.- Barh, District- Patna. At present resident of Village- Dilawarpur, P.S.- Bidupur, District- Vaishali at Hajipur.
3. Sanjay Kumar, Son of Ramashlok Singh, Resident of Village- Dilawarpur Gobardhan, P.S.- Bidupur, District- Vaishali at Hajipur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shivanand Singh, Advocate
For the Opposite Party/s : Mr. Md. Fahimuddin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 17-05-2022 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Md. Fahimuddin, learned A.P.P. for the State.

Petitioners in the present case are seeking regular bail in connection with Bidupur P.S. Case No. 432 of 2021 registered for the offences punishable under Sections 457, 380, 411 of the Indian Penal Code. They are in custody since 11.09.2021 and 29.09.2021 respectively. The petitioners have got one criminal antecedent.

Learned counsel for the petitioners submits that as per the prosecution story, the informant has alleged that on 22.08.2011 he went to Gopalganj and returned his house on 03.09.2021, when



he reached his house, he saw that main gate was closed but a gate on eastern side was opened after breaking lock. It is alleged that gold ornaments of about 150 grams, silver ornaments of about 600 grams and cash of Rs. 1,00,000/- have been stolen from his house by unknown thieves.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case, they are not named in the F.I.R. and their name has transpired in the confessional statement of co-accused. It is submitted that the petitioners are in custody in connection with this case since 11.09.2021 and 29.09.2021 respectively.

Mr. Md. Fahimuddin, learned APP for the State is present and has opposed the prayer for regular bail of the petitioners.

Having regard to the submission that the names of these petitioners have transpired in the confessional statement of the co-accused Govind Kumar but there is no recovery of any incriminating article from possession of these petitioners and till date they have not been put on Test Identification Parade, petitioner nos. 1 and 2 are in custody in connection with this case since 11.09.2021 and petitioner no. 3 is in custody since 29.09.2021, investigation against them is complete and their presence may also be secured in course of trial, this Court directs



that the petitioners above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Bidupur P.S. Case No. 432 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

